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09/923,848	08/06/2001	Alan Rubinstein	3651-US	2022
56436	7590	08/21/2006	EXAMINER	
3COM CORPORATION 350 CAMPUS DRIVE MARLBOROUGH, MA 01752-3064			SHAH, CHIRAG G	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/923,848

Applicant(s)

RUBINSTEIN ET AL.

Examiner

Chirag G. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6/28/06 have been fully considered but they are not persuasive. Applicant believes that the amendments to claims 1-21 and 25-30 obviate the rejections based on Johnson and Fletcher. Examiner respectfully disagrees and redirects Applicant to Fletcher reference. Fletcher discloses in col. 6, lines 10-20 that the intelligent device (IS/dRMON collector) may be implemented on a switch. The (intelligent device) IS/dRMON collector switch 62 as known in the art includes multiple interfaces as evident in fig. 1, where a second interface comprising a plurality of communication ports for communicative coupling occur at one (front) end of the IS/dRMON, which may be classified as the external surface of the wall. Furthermore, at the backend or the internal space of the wall, the (intelligent) IS/dRMON collector switch connects via 72e to IS network interface 63, see fig. 1. As described in the Applicant specification on

page 11, paragraph 3 that the external surface of a workspace may be accessible by the end users, such as 52a-52c. Thus, it is very common and well known in the art that switches (incorporating the IS/dRMON collector feature) include a front panel with multiple interface ports for easy accessibility for connecting and disconnecting to plurality of communication devices, while the backbone network interface connection may be placed in the front or the back of the switch. In addition, switches are mountable in an office cubicle as well as a wall based on space limitations and design considerations. Therefore, claims 1-30 respectfully remain rejected under 35 U.S.C 103(a) as being unpatentable over Johnson in view of Fletcher.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (WO 00/30293), hereinafter, Johnson in view of Fletcher et al (U.S. Patent No. 6,085,243), hereinafter Fletcher.

Referring to claim 1, Johnson discloses in figure 2 of an intelligent device 106 (Fixed Diagnostic Unit and Roving Diagnostic Unit) for coupling an electronic device (hub) to a network (100) comprising: a first interface (port 1) for communicatively coupling said intelligent device 106 to said network 100; a second interface (port 2) for

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communicatively coupling said intelligent device 106 to a plurality of client devices (such as S2) such that said client devices are communicatively coupled to said network as in figures 2, 3, 17, 19 and 20; means for processing and interpreting data coupled to said first interface (as disclosed in column 5, lines 25-42); and fault detection means coupled to said means for processing and interpreting data, said fault detection means for performing fault detection in said network as disclosed on page 5, lines 25 to page 6, lines 27 as claim. Johnson fails to disclose that the first interface is communicatively coupling at an internal space in a wall and the network having a head end wherein the head end is a central control site operable to remotely access the intelligent device over the network. Although Johnson discloses of a second interface communicatively coupling the intelligent device to a plurality of client devices in the hub 102, Johnson fails to explicitly disclose a second interface is communicatively coupling at an external surface of the wall and comprises a plurality of communication ports for communication coupling.

Fletcher teaches in figure 1, 8 and 12 and specifically discloses in col. 4, lines 12-63 of a Remote Monitoring technology (RMON) designed to facilitate the monitoring and reporting of data traffic statistics in LAN or WAN. A RMON Manager performs a controlled operation of the probe and collects the statistics and data captured by the probe. RMON Manager, function and serves as a stand-alone probe that is constantly on duty and only require communication with a management application such as SNMP, RMON and RMON2). It has become common place for ISs, particularly hubs

and switch/bridges to embedded RMON probe function. Thus, the hub 62 disclosed in figure 1 has embedded RMON probe function.

Fletcher discloses in fig. 1 of a intelligent device **[IS/dRMON collector 62, fig. 1]** for coupling an electronic device **[such as electronic devices 52, fig. 1]** to a network **[IS may be hubs, switches or bridges 63]**, comprising: a first interface for communicatively coupling the intelligent device to the network **[connection 72e from intelligent device 62 interface to IS network 63 interface]**, the network **[IS-hub/switch 63]** having a headend **[remote management device, see fig. 8]**, wherein the head end **[remote management device, see fig. 8]** is a central control site operable to remotely access the intelligent device **[IS/dRMON collector 62, fig. 1]** over the network **[IS network 63]**. Furthermore, as disclosed in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Fletcher further discloses in figure 1 of a second interface comprising a plurality of communication ports **(ports connecting 72a, 72b, 72C, 72D)** for communication coupling of the intelligent device **(62)** to a plurality of client devices **(52a, 52b, 52c etc...)**.

Fletcher discloses in col. 6, lines 10-20 that the intelligent device (IS/dRMON collector) may be implemented on a switch. The (intelligent device) IS/dRMON collector switch 62 as known in the art includes multiple interfaces as evident in fig. 1, where a second interface comprising a plurality of communication ports for communicative coupling occur at one (front) end of the IS/dRMON, which may be classified as the

external surface of the wall. Furthermore, at the backend or the internal space of the wall, the (intelligent) IS/dRMON collector switch connects via 72e to IS network interface 63, see fig. 1. As described in the Applicant specification on page 11, paragraph 3 that the external surface of a workspace may be accessible by the end users, such as 52a-52c. Thus, it is very common and well known in the art that switches (incorporating the IS/dRMON collector feature) include a front panel with multiple interface ports for easy accessibility for connecting and disconnecting to plurality of communication devices, while the backbone network interface connection may be placed in the front or the back of the switch. In addition, switches are mountable in an office cubicle as well as a wall based on space limitations and design considerations.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a management station head end capable of remotely monitoring the intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 11, Johnson discloses in figure 2 of an intelligent device 106 (Fixed Diagnostic Unit and Roving Diagnostic Unit) for coupling an electronic device (hub) to a network comprising: a first interface (port 1) for communicatively coupling said intelligent device to said network 100; a second interface (port 2) for communicatively coupling said intelligent device 106 to a plurality of client devices (such

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as S2) such that said client devices are communicatively coupled to said network; a robust processor 110 coupled to said first interface; and a fault detector 108 coupled to said robust processor 110 as further disclosed in figure 3. Johnson fails to disclose that the intelligent device is a standalone and further fails to disclose the network having a head end wherein the head end is a central control site operable to remotely access the intelligent device over the network. Although Johnson discloses of a second interface communicatively coupling the standalone intelligent device to a plurality of client devices in the hub 102, Johnson fails to explicitly disclose a second interface comprising a plurality of communication ports for communication coupling.

Fletcher teaches in figure 1, 8 and 12 and specifically discloses in col. 4, lines 12-63 of a Remote Monitoring technology (RMON) designed to facilitate the monitoring and reporting of data traffic statistics in LAN or WAN. A RMON Manager performs a controlled operation of the probe and collects the statistics and data captured by the probe. RMON Manager, function and serves as a stand-alone probe that is constantly on duty and only require communication with a management application such as SNMP, RMON and RMON2). It has become common place for ISs, particularly hubs and switch/bridges to embed RMON probe function. Thus, the hub 62 disclosed in figure 1 has embedded RMON probe function.

Fletcher discloses in fig. 1 of a standalone intelligent device **[IS/dRMON collector 62, fig. 1]** for coupling an electronic device **[such as electronic devices 52, fig. 1]** to a network **[IS may be hugs, switches or bridges 63]**, comprising: a first interface for communicatively coupling the intelligent device to the network **[connection**



**72e from intelligent device 62 interface to IS network 63 interface], the network [IS-hub/switch 63] having a headend [remote management device, see fig. 8], wherein the head end [remote management device, see fig. 8] is a central control site operable to remotely access the standalone intelligent device [IS/dRMON collector 62, fig. 1] over the network [IS network 63]. Furthermore, as disclosed in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Fletcher further discloses in figure 1 of a second interface comprising a plurality of communication ports (ports connecting 72a, 72b, 72C, 72D) for communication coupling of the intelligent device (62) to a plurality of client devices (52a, 52b, 52c etc...).**

Fletcher discloses in col. 6, lines 10-20 that the intelligent device (IS/dRMON collector) may be implemented on a switch. The (intelligent device) IS/dRMON collector switch 62 as known in the art includes multiple interfaces as evident in fig. 1, where a second interface comprising a plurality of communication ports for communicative coupling occur at one (front) end of the IS/dRMON, which may be classified as the external surface of the wall. Furthermore, at the backend or the internal space of the wall, the (intelligent) IS/dRMON collector switch connects via 72e to IS network interface 63, see fig. 1. As described in the Applicant specification on page 11, paragraph 3 that the external surface of a workspace may be accessible by the end users, such as 52a-52c. Thus, it is very common and well known in the art that switches (incorporating the IS/dRMON collector feature) include a front panel with

multiple interface ports for easy accessibility for connecting and disconnecting to plurality of communication devices, while the backbone network interface connection may be placed in the front or the back of the switch. In addition, switches are mountable in an office cubicle as well as a wall based on space limitations and design considerations.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a management station head end capable of remotely monitoring the intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 21, Johnson discloses on page 5, lines 25 to page 6, lines 27 and In figure 2 of a method for fault detection in a network, said method comprising the steps of:

- a) providing an intelligent device 106 coupled to a network 100, said intelligent device 106 comprising a first interface (port 1) for communicatively coupling said intelligent device 106 to said network, a second interface (port 2) for communicatively coupling said intelligent device to a plurality of client devices (such as S2), a robust processor 110 coupled to said first interface (port 1), and a fault detector 108 coupled to said robust processor 110;
- b) monitoring said network for a fault by said intelligent device and said head end 102, such that said intelligent device 106 and said head end 102 operate in conjunction

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as disclosed on page 5, lines 25 to page 6, lines 27 as claim. Johnson fails to disclose that the intelligent device is a standalone and further fails to disclose the network having a head end wherein the head end is a central control site operable to remotely access the intelligent device over the network. Although Johnson discloses of a second interface communicatively coupling the standalone intelligent device to a plurality of client devices in the hub 102, Johnson fails to explicitly disclose a second interface comprising a plurality of communication ports for communication coupling.

Fletcher teaches in figure 1, 8 and 12 and specifically discloses in col. 4, lines 12-63 of a Remote Monitoring technology (RMON) designed to facilitate the monitoring and reporting of data traffic statistics in LAN or WAN. A RMON Manager performs a controlled operation of the probe and collects the statistics and data captured by the probe. RMON Manager, function and serves as a stand-alone probe that is constantly on duty and only require communication with a management application such as SNMP, RMON and RMON2). It has become common place for ISs, particularly hubs and switch/bridges to embed RMON probe function. Thus, the hub 62 disclosed in figure 1 has embedded RMON probe function.

Fletcher discloses in fig. 1 of a standalone intelligent device **[IS/dRMON collector 62, fig. 1]** for coupling an electronic device **[such as electronic devices 52, fig. 1]** to a network **[IS may be hugs, switches or bridges 63]**, comprising: a first interface for communicatively coupling the intelligent device to the network **[connection 72e from intelligent device 62 interface to IS network 63 interface]**, the network **[IS-hub/switch 63]** having a headend **[remote management device, see fig. 8]**, wherein the head end

**[remote management device, see fig. 8]** is a central control site operable to remotely access the standalone intelligent device **[IS/dRMON collector 62, fig. 1]** over the network **[IS network 63]**. Furthermore, as disclosed in figure 8, **Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality.** Fletcher further discloses in figure 1 of a second interface comprising a plurality of communication ports (ports connecting 72a, 72b, 72C, 72D) for communication coupling of the intelligent device (62) to a plurality of client devices (52a, 52b, 52c etc...).

Fletcher discloses in col. 6, lines 10-20 that the intelligent device (IS/dRMON collector) may be implemented on a switch. The (intelligent device) IS/dRMON collector switch 62 as known in the art includes multiple interfaces as evident in fig. 1, where a second interface comprising a plurality of communication ports for communicative coupling occur at one (front) end of the IS/dRMON, which may be classified as the external surface of the wall. Furthermore, at the backend or the internal space of the wall, the (intelligent) IS/dRMON collector switch connects via 72e to IS network interface 63, see fig. 1. As described in the Applicant specification on page 11, paragraph 3 that the external surface of a workspace may be accessible by the end users, such as 52a-52c. Thus, it is very common and well known in the art that switches (incorporating the IS/dRMON collector feature) include a front panel with multiple interface ports for easy accessibility for connecting and disconnecting to plurality of communication devices, while the backbone network interface connection

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may be placed in the front or the back of the switch. In addition, switches are mountable in an office cubicle as well as a wall based on space limitations and design considerations.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a management station head end capable of remotely monitoring the intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 2, 12, and 22, Johnson fails to explicitly a standalone intelligent device as recited in claim 1 wherein the head end is operable to remotely access the means for processing and interpreting data. Fletcher disclosed in figure 8, Management station 84 functioning as a head end can remotely access the intelligent device (62) for RMON probe monitoring functionality. Fletcher further discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a management station head end capable of remotely monitoring the intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 3, 13, and 23, Johnson discloses in figure 3 in conjunction to figure 2 and on page 7, lines 12 to page 8, lines 27 of an intelligent device 106 as recited wherein said fault detection means is configured to isolate faults in both an uplink (upstream as S2) from said head end of said network and a downlink (downstream as S1) from said head end of said network as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 4, 14, and 24, Johnson discloses in claims 58 and 59 that an intelligent device (106 in figure 2) as recited in Claim 1 wherein said fault detection means is selected from the group via a loop-back mode for fault detection as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at

the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 5, 15, and 25, Johnson discloses in figure 7 and on page 8, lines 28 to page 9, lines 42 that an intelligent device 106 as recited in Claim 1 wherein said intelligent device 106 is configured such that said intelligent device is provided power over said network as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 6, 16 and 26, Johnson as disclosed in figures 2 and 7 that an intelligent device 106 being coupled to the head end 102 as recited in Claim 5 wherein said head end 102 is configured to activate and deactivate said intelligent device 106 over said network based on its connection arrangement such that RDU 110 utilizes methods for diagnosing system failures both outside and inside hub 102 (disclosed on

page 10, lines 34-36) as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 7, 17, and 27, Johnson discloses on page 8 lines 12-39 that RDU knows that by performing the RDU station diagnostic test that S2 has valid data input and thus it is ready to connect S2 into the main loop thus an intelligent device 106 as recited in Claim 5 wherein said intelligent device 106 is configured to activate and deactivate said client devices such as S2 as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.



Referring to claim 8, 18 and 28, Johnson discloses in Table 1 in conjunction with figures 3-5 and on page 7 lines 12 to page 8 lines 27 that an intelligent device 106 as recited in Claim 1 wherein said intelligent device (RDU) employs techniques such that (data from a station "upstream in the diagnostics loop relative to the station being monitored is able to flow to the RDU for analysis) said fault detection is operable to determine a distance (location based of the station/port/connection) from said intelligent device (106) to said fault as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 9, 19 and 29, Johnson discloses on and on page 5, lines 25 to pages 6, lines 27 and on page 19, lines 18-33 of an intelligent device (FDU or RDU) as recited in Claim 1 wherein said intelligent device 106 is configured to receive data packets from said head end 102 since data comes into the hub serially and the data is fed to the RDU as illustrated in figures 2 and 3 for diagnosing system failures as claims.

Johnson fails to explicitly disclose that the intelligent device is a standalone device.

Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a standalone intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

Referring to claim 10, 20, and 30 Johnson discloses in figures 2 and 3 and on page 5, lines 25 to pages 6, lines 27 in addition to page 19, lines 18-33 of an intelligent device 106 as recited in Claim 9 wherein said data packets are for operating diagnostic tests at said intelligent device for validating network connections as claims. Johnson fails to explicitly disclose that the intelligent device is a standalone device. Fletcher discloses in figure 8, Management station 84 functioning as a standalone head end the can remotely access the intelligent device (IS-particularly hubs and switch/bridges embedded RMON probe function) for RMON probe monitoring functionality. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Johnson to include a management station head end capable of remotely monitoring the intelligent device as taught by Fletcher in order to collect important network packet exchanges and analyze them for proactive performance management.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7682. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs  
August 8, 2006



Chirag G. Shah  
Patent Examiner